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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,307	08/14/2003	Chih-Wen Hung	13892 B	1985
7590	05/05/2004		EXAMINER	
CHARLES E. BAXLEY, ESQUIRE 90 John Street, Third Floor New York, NY 10038			SHAW, ELIZABETH ANNE	
			ART UNIT	PAPER NUMBER
			3644	

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/642,307	HUNG, CHIH-WEN
Examiner	Art Unit	
Elizabeth A. Shaw	3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 14 August 2003.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-5, 9, 10 and 13 is/are rejected.

7)  Claim(s) 6-8, 11, 12 and 14-16 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 9, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buckley (5,400,743) in view of Bellows (5,582,135). Buckley shows a pet house 10 having a house-shaped box including front wall 40 defining a door, a rear wall, and two lateral walls 36, the front and rear walls including upper portions 22, 24 extending above the lateral walls 36 and a roof 28 mounted on the upper portions 22, 24 of the front and rear walls. The lateral walls 36 having at least one reinforcement devices/rib 26. Buckley does not disclose making the house of paper. Bellows shows a house-shaped pet enclosure 11 constructed of a form of paper, i.e. reinforced cardboard. With respect to claim 1, to use the cardboard/paper material of Bellows with the house of Buckley would have been obvious to one skilled in the art in order to reduce manufacturing costs.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buckley in view of Bellows as applied to claim 1 above, and further in view of Kolozsvari et al (D420,470). Kolozsvari et al show a pet house having a door, front and rear walls, lateral walls, and a roof. The lateral walls having a plurality of windows defined therein. With respect to claim 2, to use the plurality of windows of Kolozsvari et al with the pet

house combination of Buckley and Bellows would have been obvious to one skilled in the art in order to provide more ventilation to the pet house without removing the walls of the pet house completely.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buckley in view of Bellows as applied to claim 1 above, and further in view of Allawas (6,092,488). Allawas shows a pet house having a rear wall 7, lateral walls 11, a roof 17. The front wall is closed by a shutter 5 included a U-shaped frame 51 for receiving the shutter 5 and the shutter 5 having a slot 37 for facilitating the operation thereof. With respect to claim 3, to use the closing shutter of Allawas with the pet house combination of Buckley and Bellows would have been obvious to one skilled in the art in order to occasional confine the animal when necessary or to keep the pet house from becoming dirty if not being used for long periods of time.

***Allowable Subject Matter***

Claims 6-8, 11, 12 and 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Included for further reference on pet houses are: Greitzer et al (5,081,956), Gonzalez (5,121,710), Willinger et al (5,964,190) and Leeming (GB 2,241,144).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Shaw whose telephone number is 703-308-1853. The examiner can normally be reached on M-Th 9:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan can be reached on 703-306-4159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Charles T. Jordan*  
**CHARLES T. JORDAN**  
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*Elizabeth A. Shaw*  
Elizabeth A. Shaw  
Examiner  
Art Unit 3644

April 30, 2004